

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

PAUL R. KOCH,

Debtor.

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PAUL R. KOCH,

Appellant,

**ORDER**

– against –

No. 24-CV-2838 (CS)

THOMAS C. FROST,

Appellee.

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Seibel, J.

Appellant’s notice of interlocutory appeal was docketed in this Court on April 15, 2024. (ECF No. 1.) More than fourteen days have elapsed and no designation of the items to be included in the record or statement of the issues to be presented on appeal has been filed as required by Federal Rule of Bankruptcy Procedure 8009. The filing of a record designation and statement of the issues is mandatory because a bankruptcy appeal cannot proceed without them, and accordingly, failure to timely file them can result in dismissal of the appeal, unless the Appellant shows excusable neglect. *In re Lynch*, 430 F.3d 600, 603, 605 (2d Cir. 2005).

Appellant is hereby ordered to advise the Court no later than May 15, 2024, as to whether: a) he wishes to pursue the appeal; and b) if so, (i) why he did not timely file the documents required by Rule 8009, and (ii) why that failure should be excused.

Failure to do so by May 15, 2024, or failure to file the designation of the record and statement of issues by that date, may result in dismissal for failure to prosecute.

**SO ORDERED.**

Dated: May 1, 2024  
White Plains, New York

A handwritten signature in black ink, reading "Cathy Seibel". The signature is written in a cursive, flowing style. The first name "Cathy" is written in a larger, more prominent script, and "Seibel" is written in a slightly smaller, more compact script. The signature is positioned above a horizontal line.

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CATHY SEIBEL, U.S.D.J.